

1 BARRY J. PORTMAN
Federal Public Defender
2 ANGELA M. HANSEN
Assistant Federal Public Defender
3 555 - 12th Street, Suite 650
Oakland, CA 94607-3627
4 Telephone: (510) 637-3500
5 Counsel for Defendant POWELL
6

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

| | | |
|------------------------------|---|---------------------------------|
| 10 UNITED STATES OF AMERICA, |) | No. CR-10-00292-CW |
| |) | |
| 11 Plaintiff, |) | |
| |) | STIPULATED REQUEST TO CONTINUE |
| 12 v. |) | HEARING DATE TO NOVEMBER 18, |
| |) | 2010 AND TO EXCLUDE TIME UNDER |
| 13 |) | THE SPEEDY TRIAL ACT AND |
| 14 RAMON POWELL, |) | PROPOSED ORDER |
| |) | |
| 15 Defendant. |) | Hearing Date: November 18, 2010 |
| |) | Time: 9:30 a.m. |
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17 The above-captioned matter is set on November 18, 2010 before this Court for a status
18 hearing. The parties jointly request that the Court continue the matter to December 16, 2010 at
19 9:30 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
20 3161(h)(7)(A) and (B)(iv), between November 18, 2010 and December 16, 2010.

21 On April 15, 2010, the Grand Jury charged Mr. Powell with possession with the intent to
22 distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1). If convicted, Mr. Powell
23 faces a statutory maximum of 40 years and a mandatory minimum sentence of five years.

24 The current status of the case is that the parties are negotiating this matter and anticipate
25 that there will be a negotiated disposition of the case. If there is a negotiated disposition, the
26 parties plan to submit a proposed plea agreement to the Court at least two days in advance of the

1 requested hearing date. In the meantime, the government has produced discovery to the defense
2 and defense counsel needs additional time to review and process the discovery provided. For
3 example, the government has made available several videotapes that the defense believes are
4 related to this case and that the defense needs additional time to review. The defense also
5 requires additional time to complete its investigation of the circumstances of the offense and to
6 assess and confirm Mr. Powell's Guidelines range.

7 The requested continuance will allow the defense to complete its review of the discovery,
8 to investigate the underlying facts of the case, and to research and to confirm Mr. Powell's
9 Guidelines range. For this reason, the parties agree that the failure to grant this continuance
10 would unreasonably deny counsel for defendant the reasonable time necessary for effective
11 preparation, taking into account the exercise of due diligence.

12 The parties further stipulate and agree that the ends of justice served by this continuance
13 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
14 parties agree that the period of time from November 18, 2010 to December 16, 2010, should be
15 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
16 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
17 diligence.

18
19 DATED: November 16, 2010

_____/S/
WADE RHYNE
Assistant United States Attorney

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21
22 DATED: November 16, 2010

_____/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given defense counsel's need to complete its review the discovery including videotapes that the defense believes are related to this case;

2. Given that the defense needs additional time to continue to investigate the underlying facts of the case and to research defendant's sentencing Guidelines range;

3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of November 18, 2010, scheduled at 9:30 a.m., is vacated and reset for December 16, 2010, at 9:30 a.m., before the sitting United States Magistrate Judge. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from November 18, 2010 to December 16, 2010.

November 17, 2010


LAUREL BEELER
United States Magistrate Judge